

## REMARKS

This Amendment is submitted in response to the non-final Office Action mailed on October 2, 2009. No fee is due in connection with this Amendment. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712174-00389 on the account statement.

Claims 47-51, 53-78 and 80-92 are pending in this application. Claims 1-46, 52 and 79 were canceled without prejudice or disclaimer, and Claims 56-57 and 61-77 were previously withdrawn from consideration. In the Office Action, the Claims 47-51, 53-55, 58-60, 78 and 80-92 are rejected under 35 U.S.C. §112. Claims 78, 80-81, 83-84 and 88-92 are rejected under 35 U.S.C. §103. In response, Claims 47, 58, 78 and 80 have been amended, and Claims 83 and 85-86 have been canceled. The amendments do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 47-51, 53-55 and 58-60 are rejected under 35 U.S.C. §112, first paragraph, for failure to comply with the written description requirement. The Patent Office asserts that the Specification fails to provide support for the limitation that "an exposed surface area of the water-absorbing member is larger than a surface area of the power generator." See, Office Action, page 2, lines 18-24; page 3, lines 1-2. In response, Applicants have amended Claims 47 and 58 to recite that "a surface area of the water-absorbing member is larger than a surface area of the power generator."

Applicants respectfully submit that the Specification provides full support for the presently claimed limitation that the surface area of the water-absorbing member is larger than the surface area of the power generator. For example, the Specification describes that:

If the power generation apparatus 20 is attached as a flat-type, ***large-area power generation apparatus*** to the bottom portion of the notebook-type personal computer 21, ***the water-absorbing member 18*** for recovering the water from the power generator 10 ***will have a larger surface area*** and will be more likely to vaporize the water from the surface thereof, and will allow the water to evaporate into the air in a more efficient manner.

See, Specification, page 8, paragraph 106; Fig. 2. Applicants respectfully submit that this portion of the Specification clearly indicates that the water-absorbing member has a larger surface area than the large-area power generation apparatus, since the only area described in that

sentence which the surface of the water-absorbing could be larger than is that of the power generation apparatus. Thus, Applicants respectfully submit that the Specification provides full support for each and every limitation of Claims 47-51, 53-55 and 58-60.

Accordingly, Applicants respectfully request that the rejection of Claims 47-51, 53-55 and 58-60 under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Office Action, Claims 47-51, 53-55, 58-60, 78 and 80-92 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Patent Office asserts that the term "substantially" recited in Claims 47, 58 and 78 is indefinite because the quantity or extent of the term "substantially" is unclear. See, Office Action, page 3, lines 8-14. In response, although Applicants do not necessarily agree with the Patent Office's interpretation of the term "substantially," Applicants have amended Claims 47, 58 and 78 to remove the term "substantially." Claims 47 and 58 instead now recite that "the water-absorbing member is provided over an external surface of an electronic device to which the power generator is mounted." These amendments do not add new matter. The amendments are supported in the Specification at, for example, page 8, paragraph 104; Fig. 2.

Furthermore, with respect to Claims 80-86, the Patent Office asserts that there is insufficient antecedent basis for the limitation "according to claim 79," since Claim 79 has been canceled. In response, Applicants have amended Claim 80 to recite "The power generation apparatus according to claim 78." This amendment does not add new matter. The amendment is supported in the Specification at, for example, page 4, paragraphs 42 and 45; page 16, paragraph 194. As such, Claim 80 has sufficient antecedent basis and, thus, Applicants respectfully submit that Claims 47-51, 53-55, 58-60, 78 and 80-92 are not indefinite.

Accordingly, Applicants respectfully request that the rejection of Claims 47-51, 53-55, 58-60, 78 and 80-92 under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, Claims 78, 80-81, 83-84 and 88-92 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 02-168565 to Sakakibara et al. ("*Sakakibara*") in view of U.S. Patent No. 6,447,945 B1 to Streckert et al. ("*Streckert*"). In response, Claim 78 has been amended. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that, even if combinable, the cited references fail to disclose every element of independent Claim 78 and Claims 80-81, 83-84 and 88-92 that depend therefrom.

Currently amended independent Claim 78 recites, in part, a power generation apparatus for generating electric power by supplying a fuel gas and an oxidizer gas such that the fuel gas and the oxidizer gas can electrochemically react with each other, comprising: a water-absorbing member for absorbing water generated during power generation by the power generator, provided at least on a midway portion of the oxidizer supply groove, the water-absorbing member extending in a direction substantially perpendicular to a direction of the oxidizer supply groove, wherein the water-absorbing member comprises a three-layered structure in which a two-layered structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the second material, and wherein the second material includes a material absorbing the water by utilizing capillary phenomenon. These amendments do not add new matter. The amendments are supported in the Specification at, for example, page 4, paragraphs 50-53; page 5, paragraph 72; page 12, paragraphs 142-144; page 13, paragraphs 145-149 and 154; page 14, paragraph 160; Fig. 10. In contrast, even if combinable, the cited references fail to disclose every element of the present claims.

For example, the cited references fail to disclose or suggest that the water-absorbing member comprises a three-layered structure in which a two-layered structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the second material as required, in part, by independent Claim 78. The Patent Office admits that the combination of *Sakakibara* and *Strecker* does not teach a water-absorbing member comprising the claimed three-layered structure including a first material having a water-absorbing/releasing property and a second material having a water absorbing property. See, Office Action, page 7, lines 10-13.

Accordingly, Applicants respectfully request that the rejection of Claims 78, 80-81, 83-84 and 88-92 under 35 U.S.C. §103(a) to *Sakakibara* and *Strecker* be withdrawn.

Furthermore, Applicants respectfully submit that the combination of *Sakakibara*, *Strecker* and *Chizawa* fails to disclose every element of currently amended Claim 78. The Patent Office admits that *Sakakibara* and *Strecker* fail to teach the claimed water-absorbing member comprising a three-layered structure but nevertheless asserts that *Chizawa* discloses a water-retentive porous body that can hold water and allow it to evaporate. See, Office Action,

page 7, lines 10-18. However, the portion of *Chizawa* relied on by the Patent Office merely discloses a porous body such as a fluorinated ion-exchange membrane or a composite film comprising a fluorinated porous film laminated with a fibrous polymer material. See, *Chizawa*, column 9, lines 2-7. Although *Chizawa* teaches that the porous body “is capable of holding water condensed from water vapor included in the reactant gas. . . and then enabled to evaporate [the water] due to a difference in partial pressure of water vapor,” nowhere does *Chizawa* teach or even suggest that its porous body includes a first material having a water-absorbing/releasing property and a second material having a water-absorbing property. See, *Chizawa*, column 9, lines 8-15. Moreover, *Chizawa* fails to disclose or suggest a tape material that is bonded on the lower side of the second material. As such, Applicants respectfully submit that, even if combinable, *Sakakibara*, *Strecker* and *Chizawa* fail to disclose a water-absorbing member comprising a three-layered structure in which a two-layered structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the second material as required, in part, by the present claims.

In the Office Action, Claims 85-86 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Sakakibara* and *Strecker*, and further in view of U.S. Patent No. 6,613,467 B1 to *Chizawa et al.* (“*Chizawa*”). In response, Claims 85-86 have been canceled. Applicants respectfully submit that the cancellation of Claims 85-86 renders the obviousness rejection moot.

Accordingly, Applicants respectfully request that the rejection of Claims 85-86 under 35 U.S.C. §103(a) to *Sakakibara*, *Strecker* and *Chizawa* be withdrawn.

In the Office Action, Claim 87 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Sakakibara* and *Strecker*, and further in view of U.S. Patent No. 6,660,419 B1 to *Nishida et al.* (“*Nishida*”). In response, Applicants have amended Claim 78. Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of Claim 87.

As discussed previously, the Patent Office admits that the combination of *Sakakibara* and *Strecker* fails to disclose or suggest that the water-absorbing member comprises a three-layered structure in which a two-layered structure, including a first material having a water-absorbing/releasing property and a second material having a water absorbing property bonded with each other, is further bonded with a predetermined tape material on the lower side of the

second material as required, in part, by independent Claim 78 from which Claim 87 depends. The Patent Office relies on *Nishida* merely for the disclosure of an oxidizer supply groove having a roughened surface. See, Office Action, page 8, lines 7-12. Nowhere does *Nishida* teach a water-absorbing member comprising a three-layered structure including a first material having a water-absorbing/releasing property and a second material having a water absorbing property, nor does the Patent Office cite support for such claimed element. As such, even if combinable, *Nishida* fails to remedy the deficiencies of *Sakakibara* and *Strecker* with respect to Claim 87.

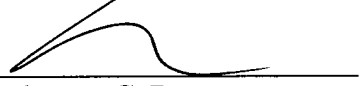
Accordingly, Applicants respectfully request that the rejection of Claim 87 under 35 U.S.C. §103(a) to *Sakakibara*, *Strecker* and *Nishida* be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

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